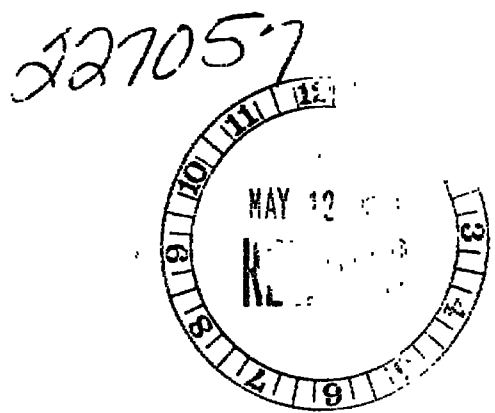


John F. McHugh
Attorney at Law
6 Water Street, Suite 401
New York, NY 10004



Phone: (212) 483-0875
Fax: (212) 483-0876

Of Counsel
W. Patrick Quast
P.O. 444
20 Harrison St.
Waldwick, N.J. 07463,
201-444-5990
Fax 201-444-5094

May 11, 2010

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20024

FD 35376

RE: Notice of Exemption, Swanson Rail Transfer, L.P.

ENTERED
Office of Proceedings

MAY 12 2010

Dear Acting Secretary Quinlan:

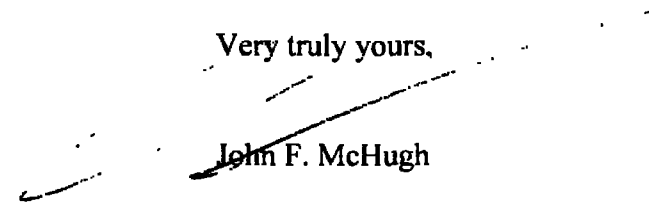
Part of
Public Record

Enclosed please find the original and eleven copies of the Notice of Exemption and Caption Summary for the captioned client together with my clients check no. 1133 for the filing fee. Also enclosed, please find an extra copy and a self addressed Federal Express package. Please accept the Notice of Exemption and Caption Summary for filing and return the extra copy stamped received.

Also enclosed, please find a disk with this material in Microsoft Word format.

Thank you for your attention to this matter.

Very truly yours,


John F. McHugh

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 35376

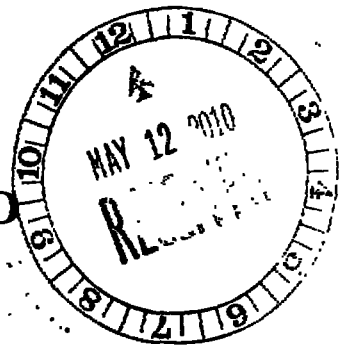
SWANSON RAIL TRANSFER LP

EXEMPTION

ENTERED
Office of Proceedings

MAY 12 2010

Part of
Public Record



FEE RECEIVED
MAY 12 2010
SURFACE
TRANSPORTATION BOARD

a. Swanson Rail Transfer LP, (hereinafter "SRT") a non carrier, has filed a notice of exemption pursuant to 49 CFR §1150.31 to commence the operation of common carrier rail service on railway property formerly owned by Conrail within the City of Philadelphia, PA. The property was purchased from Conrail by Olive Investors, an affiliated organization, and leased to SRT. There are no mileposts on the track located on this land. SRT will offer common carrier transportation to the public including utilizing a fully permitted waste transfer facility to be constructed on the property. SRT has fully complied with all local and State law applicable to this facility.

b. SRT is represented by:

John F. McHugh, Esq.
6 Water Street

FILED
APR 12 2010
SURFACE
TRANSPORTATION BOARD

New York, N.Y. 10004
212-483-0875
Fax: 212-483-0876
JFMcHughPC@Aol.com

c. SRT has obtained a permit from the Pennsylvania Department of Environmental Protection, (attached hereto as Exhibit A) and will interchange with Conrail. SRT will transload and move construction and demolition material and municipal solid waste by rail from this facility. SRT will provide only transportation related services, including transport in interstate commerce of materials in its controlled fleet of rail cars.

d. The name of the rail service operator will be Swanson Rail Transfer LP, which has leased the track and lands in issue from Olive Investors, an affiliated company, which purchased this land from Conrail. It is understood that Olive Investors, as owner of an active rail facility will be a residual common carrier.

e. SRT will be a common carrier.

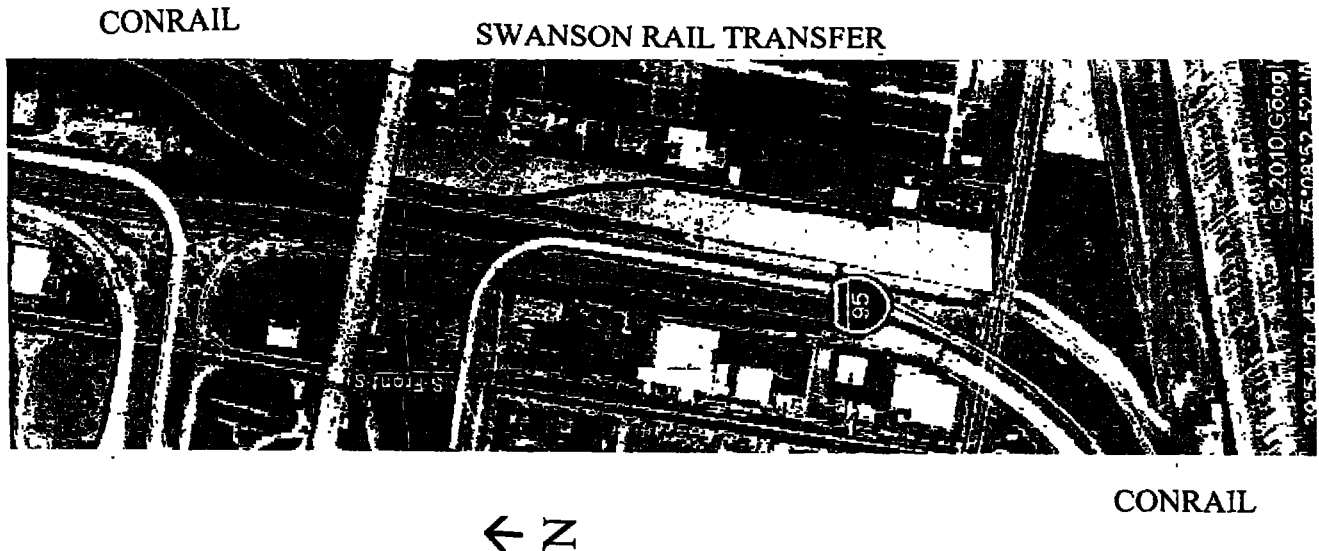
1. The address of common carrier which last provided service on the track is: Conrail, 1000 Howard Blvd. Mt. Laurel, N.J. 08054

2. The main track to be operated extends from the property line of Conrail at Pattison Avenue in Philadelphia, PA adjacent

to and east of both the Conrail main line and Rt. 95 to the Rt. 76 overpass, a distance of approximately 1,805 feet. 800 feet of that track has been removed and will be reinstalled. No tracks will extend beyond railroad property purchased from Conrail.

3. Total miles of main track will be 1,805'. There are no mileposts on this line.

f. A map of the property:



g. Applicant certifies that its projected revenues will not exceed those which would qualify it as a class III carrier.

h. This operation involves only a class III carrier and will not displace any railroad employees. Thus, no labor protection is required pursuant to 49 U.S.C. §11326(c).

i. This transaction will provide transloading and long haul rail transportation services for waste products generated in the Philadelphia Metropolitan Area. The facility is in a heavily industrialized distribution center and truck traffic to the facility will not significantly increase traffic on any road segment. This traffic has been the subject of a full environmental review conducted as a part of the permit application process. This transaction qualifies for classification under 49 C.F.R. §1105.6(c)(2) and therefore, neither an Environmental Report nor a Historic Report is required.

Dated, New York, N.Y.
May 11, 2010

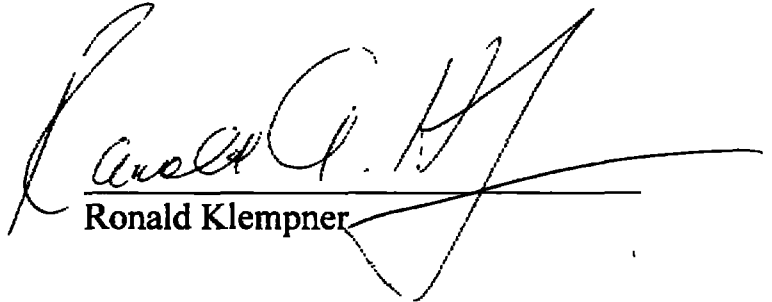
Respectfully Submitted,

John F. McHugh
6 Water Street
New York, N.Y. 10004
212-483-0875

VERIFICATION

Ronald Klempner declares pursuant to 28 U.S.C. 1746 that he is the Manager of Swanson Rail Transfer LP and is authorized to make this declaration, and knows the representations hereinabove made in this Notice of Exemption are correct from his own knowledge and/or that he believes the information provided to be correct based upon the information known.

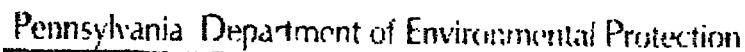
Dated, New York, N.Y.
May 11, 2010



Ronald Klempner

EXHIBIT A

PERMIT



Southeast Regional Office

Mr. John C. Ryan, P.E., DEE
Swanson Rail Transfer, LP
31 Tamarack Road
Mahopac, NY 10541

Dear Mr. Ryan:

The Pennsylvania Department of Environmental Protection (Department) has reviewed the above-referenced application to construct and operate a new municipal solid waste (MSW) transfer facility located at 13 Pattison Avenue in the City of Philadelphia. The new facility will be known as the Swanson Rail Transfer Station. Municipal and construction & demolition (C&D) waste will be accepted by truck and then transferred off-site by rail to permitted facilities.

We have determined that you have satisfied all applicable requirements necessary to perform these activities. Therefore, we have issued the enclosed permit in accordance with Article V of the Solid Waste Management Act, 35 P.S. Section 6018.101, et seq.

Compliance with the limitations and stipulations that have been set forth on your permit is mandatory.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 PA C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audio tape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

January 15, 2010

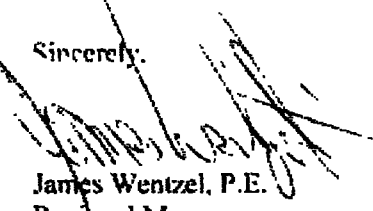
IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

If you have any questions about the enclosed permit or requirements of the Solid Waste Management Act, please contact Dr. Mohamad Mazid, Chief, Engineering Services, at 484-250-5768.

Thank you for your cooperation.

Sincerely,



James Wentzel, P.E.
Regional Manager
Waste Management Program

Enclosure: Permit 101696

cc: Mr. Delaney - Philadelphia Health Department (w/enclosure)
Mr. Prout - E.H. Prout & Associates, LLC (w/enclosure)
Re 30 (GJE09WM)267-16

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENTPermit
For
Solid Waste Disposal and/or Processing Facility
FORM NO. 8

Permit No.	101696
Date Issued	January 15, 2010
Date Expired	January 15, 2020

Under the provisions of the Pennsylvania Solid Waste Management Act of July 7, 1980, Act 97, a permit for a solid waste disposal and/or processing facility at (municipality) the City of Philadelphia in the County of Philadelphia is granted to (applicant) Swanson Rail Transfer, LP

(address) 13 Pattison Avenue

Philadelphia, PA 19148

This permit is applicable to the facility named as Swanson Rail Transfer Station and described as.

Latitude - 39° 54' 30"

Longitude - 75° 08' 59"

This permit is subject to modification, amendment, and supplement by the Department of Environmental Protection (Department) and is further subject to revocation or suspension by the Department for any violation of the applicable laws or the rules and regulations adopted thereunder, for failure to comply in whole or in part with the conditions of this permit and the provisions set forth in the application No. 101696 which is made a part hereof, or for causing any condition inimical to the public health, safety, or welfare.

See Attachment for waste limitations and/or Special Conditions.



FOR THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION

THIS PERMIT IS NON - TRANSFERABLE

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**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT**

**Permit
For
Solid Waste Disposal and/or Processing Facility
FORM NO. 8**

Permit No.	<u>101696</u>
Date Issued	<u>January 15, 2010</u>
Date Expired	<u>January 15, 2020</u>

This Waste Management Permit is issued based upon application No. 101696 (APS No. 648349, AUTH No. 728669), which was submitted to the Southeast Regional Office of the Department on June 4, 2008, and formally considered received as of August 15, 2008, pursuant to 25 Pa. Code 271.202(b) and the corresponding completion of the Local Municipality Involvement Process

This permit authorizes Swanson Rail Transfer, L.P. to construct and operate a new municipal solid waste (MSW) transfer facility to be located at 13 Pattison Avenue in the City of Philadelphia. The facility will be known as the Swanson Rail Transfer Station and will be permitted to accept municipal and construction & demolition (C&D) waste by truck and then transfer the waste offsite by rail to a permitted disposal facility.

This approved application consists of the following documents (unless otherwise noted, received and revised refer to the dates documents were received by the Department and not necessarily the dates of the documents themselves):

Form G1F submitted on June 4, 2008
 Form A submitted on June 4, 2008, revised on December 15, 2008, and February 18, 2009
 Form B submitted on June 4, 2008
 Form B1 submitted on June 4, 2008
 Form HW-C submitted on June 4, 2008, and revised on December 15, 2008
 Form D(M) submitted on June 4, 2008, and revised on December 15, 2008
 Form E submitted on June 4, 2008
 Form G(A) submitted on June 4, 2008, and revised on December 15, 2008
 Form I submitted on June 4, 2008
 Form L and the PPC Plan submitted on June 4, 2008, revised on December 15, 2008 and February 18, 2009
 Form O submitted on June 4, 2008, revised on December 15, 2008, and February 18, 2009
 Form X submitted on June 4, 2008, and revised on December 15, 2008
 Form S submitted on June 4, 2008
 Form 28, Closure Plan and Bonding Worksheet submitted on June 4, 2008, revised on December 15, 2008, February 18, 2009, and February 27, 2009
 Form 46 submitted on June 4, 2008
 Drawing "Existing Site Condition" dated April 30, 2008, submitted on June 4, 2008

THIS PERMIT IS NON - TRANSFERABLE

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT**Permit
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Date Issued January 15, 2010
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Drawings 1 to 4, dated May 13, 2008, submitted on June 4, 2008
Drawing OP-1, dated December 10, 2008, received on December 15, 2008, and revised on February 18, 2009
Drawing OP-2, dated December 10, 2008, received on December 15, 2008
Drawing OP-3, dated December 10, 2008, received on December 15, 2008
Drawing OP-4, dated December 10, 2008, received on December 15, 2008
Drawing OP-5, dated December 10, 2008, received on December 15, 2008
Permit Boundary as shown in Drawing OP-1 as revised on February 18, 2009

This approved application includes a response to the Department's review letter of October 27, 2008, received on December 15, 2008; a response to the Department's review letter of January 14, 2009, received on February 18, 2009; and, a response to the Department's review comments transmitted via telephone on February 19, 2009, received on May 1, 2009. Included in the above responses are also responses to the Pennsylvania Department of Transportation review comment letters of September 30, 2008, December 22, 2008, and April 15, 2009.

The contents of all the above listed documents are hereby incorporated in the permit as conditions with which the permittee must comply. Where the terms or conditions of this permit differ from the documents incorporated by reference, the terms or conditions of this permit shall apply.

2. Nothing in this permit shall be construed to supersede, amend, or authorize violation of, the provisions of any valid and applicable local law, ordinance, or regulation, provided that said local law, ordinance, or regulation is not pre-empted by the Pennsylvania Solid Waste Management Act, the Act of July 7, 1980, Act 97, 35 P.S. 6018.101, et seq.
3. As a condition of this permit, and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advanced notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas on which solid waste management activities are being or will be conducted. The authorization and consent shall include consent to collect samples of waste, water or gases, to take photographs, to perform measurements, surveys, and other tests, to inspect any monitoring equipment, to inspect the methods of operation, and to inspect and/or copy documents, books or papers required by the Department to be maintained. This permit condition is referenced in accordance with Sections 608 and 610(7) of the Solid Waste Management Act, 35 P.S.

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Sections 6018.608 and 6018.610(7) This condition in no way limits any other powers granted under the Solid Waste Management Act.

4. Construction and operation of the facility shall be conducted in accordance with one of the following two authorized operating scenarios:

- a. Scenario I: Under Scenario I, only the Southern Waste Loading Area (SWLA) Building shall be utilized for operation. Under this scenario, the facility may accept both MSW and C&D waste. All waste shall be stored in the SWLA Building as shown on Drawings OP-1, revised February 2009, and OP-2, dated December 2008. All MSW shall be baled and transferred to rail cars, and all C&D waste shall be loaded into rail cars. All waste received shall be transported offsite by rail to an approved facility. MSW shall be stored in the SWLA Building within an area measuring 35' x 80' and C&D waste shall be stored in the SWLA Building within areas measuring 35' x 83' and 45' x 32', said areas being designated as "Temporary Floor Storage" on Drawing OP-1. The maximum height of waste within these storage areas shall not exceed 22 feet. The maximum amount of waste at the facility at any time shall not exceed 1385 CY (415 tons) of loose MSW, 18 bales (45 tons) of MSW, 2140 CY (750 tons) of loose C&D waste, and no more than 12 rail cars loaded with solid waste. All waste shall be tipped and processed in the SWLA Building. Pursuant to the traffic calculations, the total number of waste transportation vehicles accessing the facility shall not exceed 285 vehicles per any operating day. Facility operations under this scenario are shown on Drawing OP-1 (Scenario I), revised on February 2009, as referenced in Condition No. 1 above.
- b. Scenario II: Under Scenario II, the SWLA Building shall be utilized only for MSW operations and the Northern Waste Loading Area (NWLA) Building shall be utilized only for C&D waste operations, as shown on Drawings OP-3 through OP-5, dated December 2008. In the SWLA Building, two balers will be used to bale the MSW after unloading onto the tipping floor and then the bales shall be loaded into rail cars. MSW shall be stored in the SWLA Building within areas measuring 35' x 165' and 32' x 45', said areas being designated as "Temporary Floor Storage" on Drawing OP-4. In the NWLA Building, C&D waste shall be unloaded onto the tipping floor and loaded into rail cars by a grapple (material handler) machine. The C&D waste shall be stored within two areas with each area measuring 50' x 72', said areas being designated as "Temporary Floor Storage" on Drawing OP-4. The maximum height of waste within these storage areas (in both the SWLA and the NWLA Buildings) shall not exceed 22 feet. The

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT**Permit
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Date Issued January 15, 2010
Date Expired January 15, 2020

maximum amount of waste at the facility at any time shall not exceed 2770 CY (830 tons) of loose MSW and 34 bales (80 tons) of MSW at the SWLA Building; 2245 CY (786 tons) of loose C&D waste at the NWLA Building; and no more than 26 rail cars loaded with solid waste. Pursuant to the traffic calculations, the total number of waste transportation vehicles accessing the facility shall not exceed 356 vehicles per any operating day. Facility operations under Scenario II are shown on Drawing OP-4 (Scenario II), dated December 10, 2008, as referenced in Condition No. 1 above. Prior to operating under Scenario II, the permittee shall provide an updated bonding calculation under Scenario II for the Department's review and approval. No waste management operations may proceed under Scenario II until the Department has approved an updated bond to reflect the expanded operations of Scenario II.

5. Form E, Contractual Consent of Landowner, must be recorded by the permittee at the office of the Recorder of Deeds in Philadelphia County and a copy shall be submitted to the Department prior or along with Form 37, as indicated in the Permittee's December 15, 2008, response to the Department's comment letter dated October 27, 2008.
6. Waste management may not commence at the facility until the Department approves the construction of the facility. Form 37, Certification of Facility Construction Activity, must be submitted to, and approved by, the Department's Southeast Regional Office after the construction of Scenario I but prior to the start of operation under Scenario I. The Scenario I construction certification shall include the upgrading of the railroad crossing on Pattison Avenue, as provided for in the benefits/harms evaluation submitted as part of the permittee's environmental assessment, incorporated into this permit pursuant to Condition No. 1, above. Operation under Scenario I may start upon approval of Form 37 by the Department's Southeast Regional Office. Similarly, Form 37 must be submitted to, and approved by, the Department's Southeast Regional Office after the construction of Scenario II but prior to the start of operation under Scenario II. Operation under Scenario II may start upon approval of Form 37 by the Department's Southeast Regional Office. If no waste is processed under this permit within 5 years of the date of permit issuance, the entire permit is void pursuant to 25 Pa. Code 271.211(c). In addition, in the event waste processing commences pursuant to Scenario I but waste operations pursuant to Scenario II have not commenced within 5 years of the date of permit issuance, then Scenario II shall be considered voided and only Scenario I operations may continue under this permit until or unless a major permit modification is submitted to, and approved by, the Department to update Scenario II operations to reflect the then currently applicable operating requirements.

THIS PERMIT IS NON - TRANSFERABLEPage 5 of 9

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
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7. Daily operational records are to be kept in a format in accordance with 25 Pa. Code 279.251 of the Municipal Waste Management Rules and Regulations
8. An Annual Operation Report is to be submitted to the Department on or before June 30 of each year in accordance with the format indicated in 25 Pa. Code 279.252 of the Municipal Waste Management Rules and Regulations. The Annual Operation Report submittal shall be accompanied by the Annual Permit Administrative Fee.
9. The maximum daily amount of MSW and C&D waste accepted at this facility shall be in accordance with one of the following two scenarios unless a permit amendment application is submitted to and approved by the Department:
 - a. Scenario I: The facility may receive a maximum of 400 tons/day of MSW and 700 tons/day of C&D waste. Outbound waste shall be transported by rail only.
 - b. Scenario II: The facility may receive maximum of 1800 tons/day of MSW and 700 tons/day of C&D waste. Outbound waste shall be transported by rail only.
10. This facility is permitted to accept waste Monday through Friday from 5 a.m. to 2 p.m. and on Saturday from 5 a.m. until Noon. The facility may process waste, including baling, loading and transfer via rail to offsite permitted locations, 24 hours a day, seven days a week. Operations may be extended due to extreme weather conditions in accordance with the following procedure. Prior to extending operations, justification for such an extension must be mailed or faxed to the Waste Management Program Manager or his designee. Written concurrence that the extension is justifiable needs to be received by the permittee from the manager or his designee before extended operations may be implemented. All other requests to extend operating hours must be requested in advance of need and be approved in writing in advance by the Department
11. This facility is authorized to accept and process MSW and C&D waste only. This facility may not accept other categories of residual waste or special handling waste not expressly approved in this permit unless a permit amendment application is submitted to and approved by the Department. This facility shall not accept, receive or process hazardous waste as defined in 25 Pa. Code Chapter 261a and 40 C.F.R. Part 261.

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12. No lead acid batteries shall be placed into mixed waste at this facility.
13. As a condition of this permit, and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby consents to provide to authorized county officials access to daily operational records of the facility in order to determine compliance with county municipal waste management plans developed and approved in accordance with the provisions of Act 101, the Municipal Waste Planning, Recycling, and Waste Reduction Act. The permittee may withhold said information if a county fails to agree to maintain confidentiality pursuant to Section 1713(b)(1) and (2) of the Act 101.
14. Waste received at the facility shall be disposed of in compliance with all applicable municipal, county, and state plans, ordinances, regulations, and statutes. No municipal waste may be received, or otherwise managed at the facility if the transportation to, or processing or management at, the facility would violate applicable laws in effect in the municipality, county or state in which the waste was generated, or state or local solid waste management plans in effect where the waste was generated.
15. The facility shall check the report in each transportation vehicle hauling municipal waste to the transfer station facility to ensure compliance with Section 285.217 of the municipal waste regulations, or shall obtain the signature of the driver of each transportation vehicle on the weigh ticket for that vehicle. Every such weigh ticket shall list the counties of origin of the waste in the vehicle.
- 16A. Operations at this transfer station facility cannot begin unless the operator has established at least one drop-off center for the collection and sale of at least three recyclable materials. The three materials shall be chosen from the following: clear glass, colored glass, aluminum, steel, and bimetallic cans, high grade office paper, newsprint, corrugated paper, and plastics.
- 16B. The center shall be located at the facility or in a place that is easily accessible to persons generating municipal waste that is processed or disposed at the facility.
- 16C. The drop-off center shall contain bins or containers where recyclable materials may be placed and temporarily stored. If the operation of the drop-off center requires attendants, the center shall be open at least eight hours per week, including four hours during evenings or weekends.

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- 16D. Once every six months, the operator shall provide public notice of the availability of the drop-off center. The operator shall place an advertisement in a newspaper circulating in the municipality or provide notice in another manner approved by the Department in writing.
- 16E. On or before February 15 of each year, the operator shall inform the host municipality in writing, of the weight and type of materials that were recycled in the previous calendar year so that the host municipality may comply with the requirements of Section 304(f) of the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P.S. Section 4000.304(f)).
17. All mixed loads of C&D and MSW waste accepted at this facility shall be managed as MSW waste and shall be counted towards the facility's daily MSW waste volume limitation.
- 18A. This permit approves the Radiation Protection Action Plan (RPAP) for Radiation Monitoring of Solid Waste dated June 4, 2008, and revised on December 15, 2008, as referenced in Condition No. 1
- 18B. Unless otherwise approved in writing by the Department, the stationary monitoring equipment shall be installed and the RPAP implemented no later than the commencement of waste management operations at the facility pursuant to Department approval of the facility construction certification required pursuant to Condition No. 6, above.
- 18C. In addition to the RPAP incorporated herein and with specific reference to page 7 of the RPAP, the initial investigative exposure rate survey shall be performed with radiation monitoring equipment capable of detecting between 10 μ R/hr and 50 μ R/hr.
- 18D. Pursuant to Section 613 of the Solid Waste Management Act, 35 P.S. Section 6018.613, the Department may recover its costs to abate a public nuisance related to radioactive waste, including its costs of management, transport and disposal of the radioactive waste processed, stored, disposed, or rejected at the facility
- 18E. Approval of this RPAP does not guarantee operational effectiveness. Failure to operate this equipment to perform as intended or designed, and implement the RPAP according to the application documents herein approved, for any reason, shall be sufficient grounds for revocation or suspension of the facility's waste permit in part or in its entirety.

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT**Permit
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FORM NO. 8**

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Date Issued	January 15, 2010
Date Expired	January 15, 2020

- 18F. The Form 37, Certification of Facility Construction, required pursuant to Condition 6, above, shall include documentation that all necessary equipment has been installed and is operational, and that the necessary staff training for use of the monitoring equipment and implementation of the RPAP has been provided. The RPAP may not be implemented, until after the Form 37 has been submitted to, and approved by, the Department. Departmental approval may involve a site inspection, by either Waste Program staff alone or jointly by Waste Program and Radiation Protection Program staff, and may specify operational requirements or procedures to be implemented by the permittee during an initial trial period. These requirements or procedures will be designed to allow the Department's Area Health Physicist to evaluate the facility's ability to properly implement the approved RPAP. The permittee is expected to comply with these operational requirements during the trial period to the same extent as if they were permit conditions.
19. Rail cars shall be tarped or otherwise adequately covered after being loaded and prior to being moved off of the permitted area.
20. During multiple concurrent events held at the nearby sports and arena complex, the facility will provide advanced notices to its customers to advise them of the potential closing of the facility due to traffic impacts related to the special events. Also, a leaflet shall be provided to drivers or notices posted at the scale to advise drivers of the potential closing of the facility during these special events.
21. An initial closure cost of \$251,899 is approved for the facility for Scenario I operation, only. The facility may not operate under Scenario II until a new closure cost estimate and an updated bond, reflecting the expanded Scenario II operation, is submitted to, and approved by, the Department.
22. The bond between the permittee and the Department in the amount of \$251,899 for the Scenario I operation is hereby approved as part of this permit. Upon receipt of written notice from the Department, this bond will have to be updated within 90 days, in accordance with Chapter 271 of the Municipal Waste Regulations.

Re 30 (GJE09WM)267-15

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SURFACE TRANSPORTATION BOARD

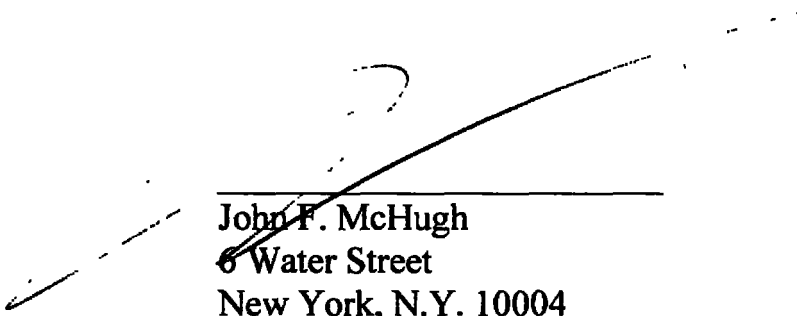
NOTICE OF EXEMPTION

FINANCE DOCKET NO. _____

Caption Summary

Swanson Rail Transfer Service LP, a non-carrier, has filed a notice of exemption, pursuant to 49 CFR 1150.31 to commence operations as a class III rail common carrier on a track and land owned by Oliver Investments, an affiliated entity utilizing track and property formerly owned by Conrail, which track runs between a junction with Conrail at the property line at Pattison Avenue to the I 76 overpass, a distance of 1,805 feet. Petitioner intends to commence operations as a common carrier for waste commodities, including but not limited to those originating at its fully licensed facility to be constructed on the property. Petitioner's representative is John F. McHugh, Esq. 6 Water Street, New York, N.Y. 10004, 212-483-0875. No other class exemptions are being used by the petitioner.

Dated, New York, N.Y.
May 11, 2010



John F. McHugh
6 Water Street
New York, N.Y. 10004
212-483-0875